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In re Application of
Chao, et al.
Application No. 09/982,095
Filed: October 19, 2001
Attorney Docket No. CHAO=10A
For: METHOD FOR SCREENING
MOLECULES THAT EXERT A
NEUROTROPHIC EFFECT THROUGH
ACTIVATION OF NEUROTROPHIN
RECEPTORS

: **OFFICE OF PETITIONS**
:
: DECISION ON PETITION
: UNDER 37 CFR 1.181
:

This is a decision on the petition under 37 CFR 1.181, filed March 28, 2006, to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned due to applicants' alleged failure to properly reply to the final Office action, mailed August 29, 2005. Applicants filed an amendment after final on November 28, 2005 that failed to place the application in *prima facie* condition for allowance, as was explained in the January 25, 2006 Advisory action. The Office contended that this application became abandoned on November 30, 2005. A Notice of Abandonment was mailed on March 22, 2006.

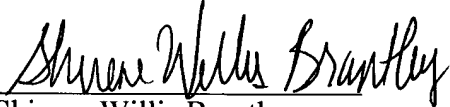
Petitioners assert that a proper reply in the form of a RCE was timely received in the Office on January 30, 2006 (a Monday). In support of this assertion, petitioners have provided a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp, citing January 30, 2006 as the date of receipt, affixed thereto. The postcard lists, *inter alia*, that the filing included a RCE transmittal and \$660.00 in fees.

The return postcard constitutes *prima facie* evidence that the items listed thereon were received in the Office on January 30, 2006. MPEP 503. Petitioners have provided a copy of the January 30, 2006 correspondence. In addition, it is noted that \$660.00 in fees was processed on January 31, 2006 as a RCE filing fee and a two month extension of time.

Accordingly, the petition to withdraw the holding of abandonment is granted and the Notice of Abandonment is vacated. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application file will be returned to Technology Center A.U. 1649 for consideration of the RCE filed on January 30, 2006 and resubmitted with the instant petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.


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for Patent Examination Policy